

AMENDED IN SENATE APRIL 13, 2009

**SENATE BILL**

**No. 194**

---

**Introduced by Senator Florez**

February 23, 2009

---

*An act to add Section 65302.10 to the Government Code, to amend Sections 43015 and 50829 of, and to add Section 50834.5 to, the Health and Safety Code, to add Sections 75067 and 75130 to the Public Resources Code, to amend Section 2333.5 of the Streets and Highways Code, and to amend Section 13477.6 of the Water Code, relating to community development.*

LEGISLATIVE COUNSEL'S DIGEST

SB 194, as amended, Florez. Community development: disadvantaged communities.

*(1) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of specified land outside its boundaries.*

*This bill would require the legislative bodies of each county and city that elect to receive specified funds pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 to amend portions of its general plan, including, among others, the land use, circulation, housing, conservation, and open-space elements to include data and analysis, goals, policies and objectives, and feasible implementation measures addressing the presence of disadvantaged unincorporated communities in or near their boundaries, as specified.*

*(2) Existing law requires each city or county that requests funding pursuant to the federal State Community Development Block Grant*

*Program to submit a housing element to the Department of Housing and Community Development, as specified.*

*This bill would, as of January 1, 2012, also require each city or county to submit an analysis of the equity investment in unincorporated communities, as specified. The bill would also specify how funds received pursuant to a federal entitlement are allocated at the local government level.*

*(3) Existing law requires the Strategic Growth Council to manage and award financial assistance to specified entities for planning activities to achieve various environmental purposes.*

*This bill would require the council, in awarding the financial assistance, to ensure that those planning activities comply with the amendments to a general plan that would be required under this bill.*

*(4) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), an initiative bond measure, makes available \$90,000,000 for urban greening projects and \$90,000,000 for planning grants and planning incentives to encourage the development of regional and local land use plans that are designed for various purposes. Proposition 84 specifies that appropriation of those funds may be made only upon enactment of implementation legislation.*

*This bill would require a recipient of the above funds to incorporate the adoption of the amendments to a general plan that would be required by this bill into the planning activities funded by those funds. The bill would require the council to require a city, county, or city and county to specify the date by which the amendments to a general plan that would be required by this bill would be adopted, which would be required to be concurrent with the adoption of other planning activities funded by the above funds, but in no case later than January 1, 2013.*

*(5) Existing law requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to establish and administer a “Safe Routes to School” construction program pursuant to authority granted under specified federal law and to use federal transportation funds for construction of bicycle and pedestrian safety and traffic calming projects. Existing law requires the department to make grants available to local agencies under the program through a competitive grant process that considers various factors in rating the proposals.*

*This bill would additionally require, in rating a proposal, the consideration of the proposal’s benefit to a disadvantaged community.*

*The bill would require that at least 50% of the grants meet the “Safe Routes to School” needs of unincorporated disadvantaged communities.*

*(6) Existing law establishes the Air Pollution Control Fund and, upon appropriation by the Legislature, the moneys in the fund are available to the State Air Resources Board to carry out its duties and functions.*

*This bill would additionally require, upon appropriation by the Legislature, that the moneys in the fund be available for investment in the provision of public transit to disadvantaged communities, accelerate greenhouse gas emission reductions, and mitigate the health impacts of climate change.*

*(7) Existing law authorizes the State Water Resources Control Board to assess a specified annual charge in connection with any financial assistance made pursuant to the revolving State Water Pollution Control Revolving Fund program in lieu of interest that otherwise would be charged. Existing law requires the proceeds generated from the imposition of the annual charge, along with other moneys, to be deposited in the State Water Pollution Control Revolving Fund Small Community Grant Fund. Existing law authorizes the board to expend the money in the fund, upon appropriation by the Legislature to the board, for grants for eligible projects under the revolving fund program that serves small communities. For the purpose of expending these funds, the board is required to give priority to projects that serve severely disadvantaged communities.*

*This bill would make a technical nonsubstantive change to that provision.*

~~Existing law provides for the allocation of funds for various economic development projects and programs administered by the Department of Housing and Community Development.~~

~~This bill would make several findings and declarations of the Legislature relating to disadvantaged unincorporated communities. The bill would declare the intent of the Legislature to encourage investment in these communities.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 65302.10 is added to the Government  
2     Code, to read:

1     65302.10. (a) *The legislative body of each city, county, or city*  
2 *and county that elects to receive funds pursuant to subdivision (a)*  
3 *or (c) of Section 75065 of the Public Resources Code shall amend,*  
4 *where appropriate, each element of its general plan in a manner*  
5 *that meets the requirements of this section. The amendments may*  
6 *amend, but are not limited to, the required elements relating to*  
7 *land use, circulation, housing, conservation, and open space, to*  
8 *include data and analysis, goals, policies and objectives, and*  
9 *feasible implementation measures addressing the presence of*  
10 *disadvantaged unincorporated communities in or near their*  
11 *boundaries. The amendments to the related elements shall include*  
12 *all of the following:*

13     (1) *An identification of each island, fringe, or legacy community*  
14 *within or proximate to the boundaries of the locality. The*  
15 *identification shall include a description of the community and a*  
16 *map designating its location.*

17     (2) *For each identified community, a quantification and analysis*  
18 *of each of the following:*

19     (A) *The number of homes and residents that lack access to*  
20 *sanitary sewer service.*

21     (B) *The number of homes and residents that lack access to safe*  
22 *drinking water service.*

23     (C) *The number of residential neighborhoods or areas that lack*  
24 *one or more of the following:*

25         (i) *Paved roadways.*

26         (ii) *Storm drainage.*

27         (iii) *Sidewalks.*

28         (iv) *Lighting.*

29     (D) *The proportion of households within one-quarter of a mile*  
30 *of a public park.*

31     (E) *The proportion of households living within one-quarter of*  
32 *a mile of public transit.*

33     (F) *The proportion of housing units that are in a substandard*  
34 *condition, or in which the household is overcrowded or paying*  
35 *more than 30 percent of its income toward housing.*

36     (3) *A statement setting forth the locality's specific quantified*  
37 *goals for eliminating or reducing each identified deficiency no*  
38 *later than January 1, 2015.*

39     (4) *A program of actions that the locality will undertake to*  
40 *achieve each goal and a timeline of when those actions will be*

1 *taken. The program shall include an identification of resources*  
2 *available to achieve each goal, the feasibility of annexation of*  
3 *island and fringe communities, and the development or expansion*  
4 *of regionalized services and infrastructure for legacy communities.*

5 *(b) As used in this section, the following terms have the following*  
6 *meanings:*

7 *(1) “Fringe” means a community within 1.5 miles of a periphery*  
8 *or within the city’s sphere of influence.*

9 *(2) “Island” means an unincorporated county area that is*  
10 *surrounded by a city’s geographical boundaries on at least 75*  
11 *percent of its sides.*

12 *(3) “Legacy community” means a geographically isolated*  
13 *community that has existed for at least 50 years.*

14 *SEC. 2. Section 43015 of the Health and Safety Code is*  
15 *amended to read:*

16 *43015. The Air Pollution Control Fund is continued in existence*  
17 *in the State Treasury. Upon appropriation by the Legislature, the*  
18 *money in the fund shall be available to the state board to carry out*  
19 *its duties and functions; expended as follows:*

20 *(a) To carry out the state board’s duties and functions.*

21 *(b) To invest in the provision of public transit to the*  
22 *disadvantaged communities of the state, in particular, the*  
23 *unincorporated disadvantaged communities of the state, accelerate*  
24 *greenhouse gas emission reductions, and mitigate the health*  
25 *impacts of climate change.*

26 *SEC. 3. Section 50829 of the Health and Safety Code is*  
27 *amended to read:*

28 *50829. As a condition of receiving funds pursuant to this*  
29 *chapter, an eligible city or county shall submit a housing element*  
30 *to the department in accordance with the requirements of Article*  
31 *10.6 (commencing with Section 65580) of Chapter 3 of Division*  
32 *1 of Title 7 of the Government Code and by no later than January*  
33 *1, 2012, an analysis of the equity investment in unincorporated*  
34 *communities in accordance with the requirements of Section*  
35 *65302.10 of the Government Code. However, except as otherwise*  
36 *provided in Section 50830, no application for funds shall be denied*  
37 *because of the content of the housing element or because of the*  
38 *findings made by the department pursuant to Section 65585 of the*  
39 *Government Code.*

1     *SEC. 4. Section 50834.5 is added to the Health and Safety*  
2     *Code, to read:*

3     50834.5. (a) *Consistent with federal law, where a federal*  
4     *entitlement exists, a local government shall comply with the*  
5     *following requirements the funds made available pursuant to this*  
6     *chapter:*

7     (1) *The funds shall be allocated based on the percentage of low-*  
8     *and moderate-income persons within each district.*

9     (2) *No less than 75 percent of all funds shall go to targeted*  
10    *income group benefit.*

11    (b) *For the purposes of this section, “targeted income group”*  
12    *means families, households, and individuals whose income does*  
13    *not exceed 80 percent of the county median income, with*  
14    *adjustments for family and household size.*

15    *SEC. 5. Section 75067 is added to the Public Resources Code,*  
16    *to read:*

17    75067. (a) *All recipients of funds made available pursuant to*  
18    *subdivisions (a) and (c) of Section 75065 shall incorporate the*  
19    *city or county general plan amendments developed pursuant to*  
20    *Section 65302.10 of the Government Code into the planning*  
21    *activities funded pursuant to those subdivisions.*

22    (b) *The Strategic Growth Council established pursuant to*  
23    *Section 75121 shall require the city or county to specify a date by*  
24    *which the general plan amendments required by Section 65302.10*  
25    *will be adopted, which shall be concurrent with the adoption of*  
26    *any other planning activities funded by Section 75065, but in no*  
27    *case later than January 1, 2013.*

28    *SEC. 6. Section 75130 is added to the Public Resources Code,*  
29    *to read:*

30    75130. (a) *The Strategic Growth Council shall, in awarding*  
31    *financial assistance pursuant to Sections 75127 and 75129, ensure*  
32    *that the planning activities funded under those sections comply*  
33    *with Section 65302.10 of the Government Code.*

34    (b) (1) *The Strategic Growth Council shall, in awarding*  
35    *financial assistance pursuant to Section 75128, require that the*  
36    *development, adoption, or implementation of any regional plan*  
37    *or other planning instrument receiving financial assistance include*  
38    *an assessment of island and fringe communities and an analysis*  
39    *of how investment in these communities would assist in meeting*  
40    *regional greenhouse gas reduction targets by improving transit,*

1 *increasing affordable housing, and encouraging sustainable land*  
2 *use strategies.*

3 *(2) For the purposes of this subdivision, “island” and “fringe”*  
4 *have the same meanings as those set forth in subdivision (b) of*  
5 *Section 65302.10 of the Government Code.*

6 *SEC. 7. Section 2333.5 of the Streets and Highways Code is*  
7 *amended to read:*

8 2333.5. (a) The department, in consultation with the  
9 Department of the California Highway Patrol, shall establish and  
10 administer a “Safe Routes to School” construction program for  
11 construction of bicycle and pedestrian safety and traffic calming  
12 projects.

13 (b) The department shall award grants to local governmental  
14 agencies under the program based on the results of a statewide  
15 competition that requires submission of proposals for funding and  
16 rates those proposals on all of the following factors:

17 (1) Demonstrated needs of the applicant.

18 (2) Potential of the proposal for reducing child injuries and  
19 fatalities.

20 (3) Potential of the proposal for encouraging increased walking  
21 and bicycling among students.

22 (4) Identification of safety hazards.

23 (5) Identification of current and potential walking and bicycling  
24 routes to school.

25 (6) Consultation and support for projects by school-based  
26 associations, local traffic engineers, local elected officials, law  
27 enforcement agencies, school officials, and other relevant  
28 community stakeholders.

29 (7) *Benefit to a disadvantaged community.*

30 *(c) Not less than 50 percent of the grants described in*  
31 *subdivision (b) shall meet the “Safe Routes to School” needs of*  
32 *unincorporated disadvantaged communities.*

33 ~~(e)–~~

34 (d) Any annual budget allocation to fund grants described in  
35 subdivision (b) shall be in addition to any federal funding received  
36 by the state that is designated for “Safe Routes to School” projects  
37 pursuant to Section 1404 of SAFETEA-LU or any similar program  
38 funded through a subsequent transportation act.

39 ~~(d)–~~

1 (e) Any federal funding received by the state that is designated  
2 for “Safe Routes to School” projects shall be distributed by the  
3 department under the competitive grant process, consistent with  
4 all applicable federal requirements.

5 ~~(e)–~~

6 (f) Prior to the award of any construction grant or the  
7 department’s use of those funds for a “Safe Routes to School”  
8 construction project encompassing a freeway, state highway or  
9 county road, the department shall consult with, and obtain approval  
10 from, the Department of the California Highway Patrol, ensuring  
11 that the “Safe Routes to School” proposal compliments the  
12 California Highway Patrol’s Pedestrian Corridor Safety Program  
13 and is consistent with its statewide pedestrian safety statistical  
14 analysis.

15 ~~(f)–~~

16 (g) The department is encouraged to coordinate with law  
17 enforcement agencies’ community policing efforts in establishing  
18 and maintaining the “Safe Routes to School” construction program.

19 *SEC. 8. Section 13477.6 of the Water Code is amended to read:*

20 13477.6. (a) The State Water Pollution Control Revolving  
21 Fund Small Community Grant Fund is hereby created in the State  
22 Treasury.

23 (b) The following moneys shall be deposited in the grant fund:

24 (1) Moneys transferred to the grant fund pursuant to subdivision  
25 (c).

26 (2) Notwithstanding Section 16475 of the Government Code,  
27 ~~any~~ interest earned upon the moneys deposited in the grant fund.

28 (c) (1) For ~~any~~ financing made pursuant to Section 13480, the  
29 board may assess an annual charge to be deposited in the grant  
30 fund in lieu of interest that would otherwise be charged.

31 (2) Any amounts collected under this subdivision shall be  
32 deposited in the grant fund, not more than fifty million dollars  
33 (\$50,000,000) shall be deposited in the grant fund.

34 (3) The charge authorized by this subdivision may be applied  
35 at any time during the term of the financing, and once applied,  
36 shall remain unchanged until 2014, at which point it shall terminate  
37 and be replaced by an identical interest rate. The charge shall not  
38 increase the financing repayment amount as set forth in the terms  
39 and conditions imposed pursuant to this chapter.



1 (d) (1) Moneys in the grant fund, upon appropriation by the  
2 Legislature to the board, may be expended, in accordance with  
3 this chapter, for grants for projects described in subdivision (a) of  
4 Section 13480 that serve small communities as defined in  
5 subdivision (a) of Section 30925 of the Public Resources Code.

6 (2) For the purpose of approving grants, the board shall give  
7 priority to projects that serve severely disadvantaged communities.

8 ~~SECTION 1. (a) The Legislature finds and declares both of~~  
9 ~~the following:~~

10 ~~(1) There exist in California hundreds of disadvantaged~~  
11 ~~unincorporated communities, commonly referred to as “colonias.”~~  
12 ~~There are more than 200 of these communities in the San Joaquin~~  
13 ~~Valley alone. Many of these communities are geographically~~  
14 ~~isolated islands, surrounded by the city limits of large and~~  
15 ~~medium-sized cities.~~

16 ~~(2) The conditions within these disadvantaged unincorporated~~  
17 ~~communities evidence a distinct lack of public and private~~  
18 ~~investment that presents a threat to the health and safety of the~~  
19 ~~residents and fosters economic, social, and educational inequality.~~  
20 ~~Many of these communities lack basic infrastructure, including,~~  
21 ~~but not limited to, streets, sidewalks, storm drainage, clean drinking~~  
22 ~~water, and adequate sewer service.~~

23 ~~(b) It is the intent of the Legislature to enact legislation to~~  
24 ~~encourage investment in these communities and to address the~~  
25 ~~complex legal, financial, and political barriers that contribute to~~  
26 ~~regional inequity and infrastructure deficits within disadvantaged~~  
27 ~~unincorporated communities.~~